

Tobacco Accountability Act
June 12, 1997

Summary

The Tobacco Accountability Act will establish an Independent board to investigate all matters relating to tobacco industry and public health and report annually to the Congress. For four decades, the tobacco companies have concealed evidence of the consequences of tobacco use and have deliberately misled the public. In particular, the companies abused the attorney-client privilege to shield their most damaging documents from public disclosure. Under this bill, the industry will no longer be able to deceive the public. Specifically, the legislation does the following:

* The bill establishes an independent board to be known as the Tobacco Accountability Board. The Board will consist of 5 members, appointed by the Secretary of Health and Human Services, with expertise relating to tobacco and public health. The term of service will be six years.

* The bill requires each tobacco manufacturer to submit to the Board a copy of all documents in the manufacturer's possession relating to any health effects caused by the use of tobacco products, the manipulation or control of nicotine in tobacco products, and the sale or marketing of tobacco products to children. The documents required to be submitted must include the 150,000 attorney-client documents that the court has ordered to be produced in *Minnesota v. Phillip Morris* as evidence of a crime or fraud.

* The bill requires the Board to make available to the public the documents submitted by the tobacco manufacturers, subject only to limitations necessary to protect legitimate trade secrets.

* To insure that any future attempts by the tobacco industry to mislead the public are disclosed, the Board is given subpoena power and other investigative authorities and charged with investigating all matters relating to the tobacco industry and public health. The board must submit an annual report to Congress that discloses any efforts by tobacco manufacturers:

- to conceal research relating to, or to mislead the public about, the adverse health effects or addiction caused by tobacco products;
- to sell or market tobacco products to children;
- or to circumvent or oppose any federal, state, or local law or regulation intended to protect the public from tobacco.

* The bill requires each tobacco manufacturer to permit a representative designated by the Board to participate in all meetings of the board of directors of the tobacco manufacturer. The purpose of this provision is to insure that there is always a public health voice present in future company deliberations.

